



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

F.#2011R01411

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 26, 2012

By ECF and Federal Express

Joseph W. Ryan, Jr., P.C.
225 Old Country Road
Melville, New York 11747-3111

Re: United States v. Mair Faibish
Criminal Docket No. 12-265 (ENV)

Dear Mr. Ryan:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government provides you with discovery in the captioned case. This seventh discovery letter supplements the government's discovery letters of April 30, 2012, May 9, 2012, June 8, 2012, June 18, 2012, June 19, 2012, and July 19, 2012.

Enclosed is a disk containing the following additional discovery information:

Description	Bates Prefix	Starting Bates #	Ending Bates #	Pages
CV for Robert K. Turner	USAO 7/26/12	1	2	2
Bektrom documents	USAO 7/26/12	3	4	2
CV for Eric Fangmann	USAO 7/26/12	5	7	3
HRR 2009 Audit CD #2	HRR	4218	7810	3593

Please note that this discovery production includes the data from the second CD received from Holtz Rubenstein Reminick, which was referenced in the last discovery letter dated July 19, 2012.

Please take further note that the government anticipates calling Robert K. Turner and Eric Fangmann as summary fact witnesses. The witnesses may produce summary and/or demonstrative charts closer to trial. Those will be provided to you in advance of the trial when they become available. If it is determined that either witness will also provide expert testimony, we will provide you with a summary of any such anticipated testimony in advance of trial. Currently it is expected that Agent Turner will testify about the forensic handling of the electronic evidence to ensure its integrity. This testimony may well be unnecessary if we execute a suitable stipulation about the electronic evidence. Currently it is expected that Mr. Fangmann will testify about the flow of funds in the check kiting scheme, which testimony will be based on documentary evidence in the case such as bank records.

The government reiterates its request for reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to

use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: 

Ilene Jaroslaw
Assistant United States Attorney
(718) 254-6236

Enclosure

cc: Clerk of Court (via ECF)
(without enclosure)